IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3894 OF 2003

Smt.Laxmi Dinkar Bodake Petitioners

versus

Smt.Bababai Khandu Rakshe, since deceased through LRs & ors. Respondents

Mr.S.V.Sadavarte for petitioners.

None for respondents.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 10th February 2006

PC :

1. Heard Shri Sadavarte appearing for the petitioner. Although, respondents are served, none appears on their behalf.

2. Shri Sadavarte brings to my notice the orders which have been passed by the Additional Commissioner, Pune Division as also the Additional Collector and Sub Divisional Officer.

3. After hearing Shri Sadavarte, I am satisfied that this petition need not be entertained as the

petitioners are aggrieved by the orders passed while inserting names in the record of rights pertaining to the lands in question. Shri Sadavarte does not dispute that a civil suit is pending and in fact an injunction is running in favour of the petitioners herein.

4. In my view, orders passed by the authorities and noted above, do not in any manner bind the Civil Court which alone is competent to adjudicate on the issues pertaining to right, title and interest of parties in a immovable property. Therefore, the competent Civil Court should proceed to adjudicate on this issue without being influenced by the orders under challenge. With this clarification the petition is dismissed.

(S.C.DHARMADHIKARI, J.)